

PUBLIC SAFETY ORDINANCE

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ARTICLE I. FIRE PREVENTION

***State law references:** Regulation of open burning, 12 M.S.R.A. §§ 9321-9326.

Sec. 1-1. Codes adopted.

The city hereby adopts under authority of Title 30-A MRSA section 3003, for the purpose of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, those certain codes known as the International Building Code, the latest edition of the Uniform Fire Code (*N.F.P.A. 1*), and the latest edition of the Life Safety Code (*N.F.P.A. 101*), as recommended by the National Fire Protection Association, being the whole thereof, of which codes not less than one (1) copy has been and is now filed in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

Sec. 1-2. Application and interpretation of codes.

Wherever there appear inconsistent provisions between the Uniform Fire Code and the Life Safety Code, the stricter or more stringent of the provisions shall apply and prevail. The fire chief or his designee, in his discretion, shall determine which of the two (2) provisions is the stricter or more stringent, and the same shall apply.

Sec. 1-3. Power to modify codes; recording required.

The Fire Chief or his designee shall have power to modify any of the provisions of the Uniform Fire Code and Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief or his designee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 1-4. Storage limits of flammable materials above ground.

The limits and above ground storage practices of flammable/combustible liquids or gases shall be made compliant to appropriate Code regulations. In addition, the locations of above ground storage shall be subject to the Zoning Ordinances of the City of Waterville.

Sec. 1-5. Placement of dumpsters.

Any dumpster must be placed at least twenty (20) feet from any surrounding building, unless the owner of the dumpster obtains a permit from the fire chief or his designee. Such permit shall be granted if the proposed location of the dumpster does not present a fire danger to surrounding buildings.

Sec. 1-6. Unauthorized use of dumpster.

No one may place garbage or trash in a privately-owned waste receptacle without the express permission of the owner. No one may place garbage or trash gathered from a residence or place of business in a publicly-owned waste receptacle.

Cross references: Solid Waste Ordinance of the City of Waterville.

ARTICLE II. POLICE

Sec. 2-1. Removal of nuisances, obstructions, impediments, inflammable matter from public ways.

The police chief or his officers shall, from time to time, inspect the streets of the city and shall order the removal or cause to be removed therefrom all nuisances, obstructions, impediments, and matter which may be dangerous on account of liability to catch fire. Such removal shall be at the expense of the person depositing the same, should he be known, otherwise at the expense of the city. The owner or occupant of premises so ordered to remove such matter shall obey the order within twenty-four (24) hours.

Sec. 2-2. Delegation of municipal officers' power to the chief of police to authorize law enforcement officers to represent the municipality in the District Court, District Seven, Division of Northern Kennebec.

In accordance with the authority granted in 30 M.R.S.A. section 2361, subsection 3, the City Council does hereby delegate its power to the Chief of Police to authorize certain law enforcement officers to represent the City in District Court, District Seven, Division of Northern Kennebec, in the prosecution of alleged violations of ordinances which the officers may enforce.

Only those law enforcement officers who are certified by the Maine Criminal Justice Academy under 25 M.R.S.A. section 2308, subsection 3-A may represent the City of Waterville under the provisions of this section 20-7. The authority and assignment of law enforcement officers hereunder shall be the responsibility of the Chief of Police or the Deputy Chief of Police. The city solicitor shall be provided at least seven (7) days prior to hearing with a listing of all docketed matters citing the specific ordinances involved.

Sec. 2-3. Police officers subject to call; report.

The police officers shall at all times, either by day or night, be subject to be called upon by the, Chief of Police or his designee to assist in quelling any riot or disturbance or arresting any offenders, or to perform any other duties of policemen that may be required of them, and they shall daily report all arrests and other acts performed by them to the chief of police.

Sec. 2-4. Permission to perform certain acts outside city limits.

Waterville Police Officers are authorized to perform the following acts outside the city limits:

- a. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B, or C crime defined in Title 17-A chapters 9, 11, 13, 17, 27, or 33, as amended, while the officer is on or off duty; or
- b. Arrest without a warrant a person for a crime committed in the city:
 - (1) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;
 - (2) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and
 - (3) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A, as amended.

As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2, as amended.

ARTICLE III. PUBLIC ASSEMBLIES

Sec. 3-1. Meetings involving fewer than ten (10) people.

For any meeting on City owned property reasonably expected to involve fewer than ten (10) people no advance notice to the City need be given.

Sec. 3-2. Meetings involving between ten (10) and fifty (50) people.

For any meeting on City owned property reasonably expected to involve between ten (10) and fifty (50) people advance written notice of the meeting shall be given to the Police Department and to the Department of Parks and Recreation. The notice shall be given no later than the first announcement of the meeting and shall include the following:

- a. A precise description of the City land to be used.
- b. The type of meeting.
- c. The date, time and duration of the meeting.
- d. Name, address, telephone number and e-mail address (if available) of the organizer of the meeting.

Sec. 3-3. Meetings involving more than fifty (50) people.

For any meeting on City owned property reasonably expected to involve more than fifty (50) people a permit must first be obtained from the chief of police or his designee. The request for a permit must be made no later than the first announcement of the meeting and shall include the information required when notice of a meeting is given. The permit shall be granted but may be subject to time, manner and place restrictions for pedestrian and traffic safety purposes. The permit may also require the provision of temporary sanitation facilities according to the size and duration of the meeting. Regardless of the size of the meeting, the meeting cannot interfere with prior scheduled uses of the same property. Also, the use shall not interfere with the public's right to make reasonable use of city or private property. No damage shall be caused to vegetation, equipment, buildings, fences or other amenities on city or private property.

ARTICLE IV. MISCELLANEOUS OFFENSES

Sec. 4-1. Discharge of firearms.

No person shall discharge any firearms, including air rifles, except in self-defense, in execution of the laws, or for the destruction of some dangerous animal:

- (a) In, upon or over any of the streets, lanes or public squares;
- (b) In, upon or over any privately owned premises without the express permission of the owner of the premises, and unless the firing is directed into a natural or artificial barrier having a sufficient depth and area to stop the missile discharged.

Sec. 4-2. Bow and arrow.

- (a) No person may be on the property of another (including city property) while in the possession of a bow and arrow unless the person is in the presence of the owner, or has the current written permission of the owner, which permission must be carried on the person.
- (b) For city property, permission must be obtained from the director of public works or his designee, who will issue permits limited in time and location according to the needs of public safety.
- (c) This article shall not apply to the transportation of a bow and arrow in a motor vehicle, nor to archery events sponsored by the city or any school or college.

Sec. 4-3. Curfew -- Definitions.

For purposes of sections 4-3--4-3.4, the terms, phrases, words, and their derivations shall have the meaning given herein. All of those rules of construction contained in Article I, Sec. 1-1 of the Administrative Ordinance of the City of Waterville shall be fully applicable to these curfew provisions.

Custodian is any person over the age of eighteen (18) who is acting instead of the parent or guardian of a minor.

Guardian is any person other than the parent who has legal guardianship of a minor.

Minor shall mean any person under the age of sixteen (16).

Parent is the natural or adoptive parent of a minor.

Public place shall mean any street, alley, town way, sidewalk, park area, playground, or place to which the general public has access and right to use such place for business, entertainment, amusement or other lawful purposes, a public place for business, by way of example, but not by limitation, includes parking areas of shopping malls and the Concourse area, and areas adjacent to restaurants and places of amusements.

Sec. 4-3.1. Curfew -- For minors.

It shall be unlawful for any minor to remain, wander, stroll, or play in any public place either on foot or in or on any vehicle, self-propelled or otherwise, in, about, or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian of a minor child, or a minor is on an emergency errand or specific business or activity either directed or permitted by the parent, guardian or custodian of the minor or where the presence of such minor is connected with or required by some legitimate employment or occupation.

Sec. 4-3.2. Curfew -- Parents' responsibility.

It shall be unlawful for the parent, guardian or custodian of any minor to suffer or permit, or by negligent or inefficient control to allow, such minor to be in any public place within the hours set for minors in Sec. 4-3.1. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian or if the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or custodian, or if the parent, guardian, or custodian has notified the police department that the minor is a missing person.

Sec. 4-3.3. Curfew -- Violation; procedures.

- (a) Any police officer ascertaining that a minor is in violation of Sec. 4-3.1 shall direct or take the minor to the minor's home. The police officer shall forthwith attempt to contact with the minor's parents and advise the parent of the curfew violation.
- (b) The police officer shall complete a written report of the violation and detail all action taken.

Sec. 4-3.4. Curfew -- Penalties.

The first violation of the curfew shall result in a notification of violation to the parent, guardian, or custodian. A second violation shall result in a citation and a summons to the parent, guardian, or custodian to the district court for violation of the curfew and shall be subject to a fine of twenty-five dollars (\$25.00). Every violation resulting in a citation and a summons to court after the issuance of the first citation and summons shall carry an additional fine of twenty-five dollars (\$25.00) up to a maximum of one hundred dollars (\$100.00). Thereafter, each citation and

summons shall carry a fine of not less than one hundred dollars (\$100.00) to be paid by the parent, guardian or custodian.

Sec. 4-4. Park hours established; use of parks restricted; penalty.

For the purpose of maintaining all public parks in the City, it is hereby enacted that all parks shall be opened to the public every day from 6:00 a.m. to 12:00 midnight, unless otherwise posted by the director of parks and recreation. Any and all persons in the parks at any time other than the designated hours herein shall be considered trespassing and unlawfully on city property and subject to prosecution under this section; provided however, this section shall not apply when a permit allowing for different hours is issued under Article III of this ordinance.

ARTICLE V. PENALTIES

Violation of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Sec. 2-9 of the Administrative Ordinance of the City of Waterville.